

REMARKS

Claims 1-7 and 20-32 are now pending in the application. Claims 1, 20, 21, 26, 27 and 32 have been amended. The basis for the foregoing amendments may be found throughout the written description, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

EXAMINER INTERVIEW

Applicant thanks the Examiner for the courtesy extended during an Examiner interview on January 4, 2007. During the interview, the Applicant's attorney and the Examiner discussed the pending claims of record in view of the prior art. The Applicant's attorney discussed with the Examiner novel features provided in the instant invention over the art of record. Specifically, one point of novelty includes advancing an anchor to a position within the body tissue intermediate a portion of the tear and the outer surface of the body tissue. Furthermore, in one example, the instant invention provides a cannulated piercing member and a hollow tube that are distinct components and fixedly coupled such that ejecting the retaining head and advancing the anchor are simultaneously performed. As a result of the Examiner Interview, these points of novelty have been included in the amended claims.

CLAIM OBJECTIONS

Claim 26 stands objected to for an informality. Applicant has amended Claim 26 to correct a spelling error.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-7 and 20-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication 2002/0019649 (Sikora). This rejection is respectfully traversed.

At the outset, Applicant notes that claims 1 and 20 have been amended to recite “advancing an anchor ... to a position within the body tissue intermediate a portion of the tear and said second outer surface of the body tissue”. Similarly, claim 27 has been amended to recite “advancing an anchor ... to an implanted position, wherein in said implanted position, said anchor passes through a portion of the tear and remains within tissue defining the meniscus”. Support for this amendment may be found in at least FIGS. 6 and 7 and paragraphs [0030] and [0031].

Applicant notes Sikora fails to teach or suggest such a feature. Sikora discloses a wound closure device including a single needle 1040 and plunger 1080. The needle 1040 is adapted to house two distinct anchors concurrently (FIGS. 22B-22E). In operation, the surgeon first pushes needle 1070 through the meniscus 1050 until a tip 1074 passes through surface 1058. The surgeon then pushes plunger 1080 in the direction of arrow A far enough to force second anchor 1014 through tip 1074, but not far enough to eject first anchor 1112 (see e.g., paragraph [0160] and FIGS. 20B, 21B and 22C). Next, the surgeon pulls the needle 1070 in the direction of arrow B and reinserts it at a point 1060b. The needle is then again passed through the meniscus 1050 in the direction of arrow A, across tear 1052, until tip 1074 passes through surface 1058. The surgeon then ejects first anchor 1112 by pushing the plunger. In this way, both the first anchor 1112 and the second anchor 1014 rest on an outside surface 1058 of the

meniscus 1050. Notably, the dual anchor configurations for the other embodiments 20D and 21D also show both anchors advanced to positions outside the meniscal tissue.

In sum, Sikora does not teach or suggest a method of first, advancing a retaining head to a second outer surface of the body tissue and secondly, advancing an anchor to a position within the body tissue intermediate a portion of the tear and said second outer surface of the body tissue as recited in the instant invention. Therefore, Applicant respectfully requests withdrawal of the rejection.

Of note, Applicant has amended claim 21 to recite terminal ends of the flexible member coupled to the retaining head and anchor, respectively. Applicant notes that Sikora teaches a method that requires one terminal end of the flexible member to be threaded back through the tear as a free end. Also, applicant notes that claim 32 has been amended to recite the cannulated piercing member and the hollow tube as distinct components fixedly coupled such that ejecting said retaining head and advancing the anchor are simultaneously performed. As discussed above, the method of Sikora requires sequential deployment of two anchors through the same needle.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

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believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 8, 2007

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